

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Suits – Arbitration - Sanction for an amount of Rs.16,81,478/-towards balance decretal charges to be deposited to the credit of O.P. No. 25/1994 on the file of the Subordinate Judge Court, Wanaparthy in respect of the work relating to " Construction of diversion Road, due to submersion of Pebbair – Yeperla and Kollapur - Yeperla road, due to Construction of Srisailem Project – Widening and raising the formation, metalling and construction of medium and minor CD works from KM 6/0 to 13/0" entrusted to M/s Uma Engineering company vide Superintending Engineer, (R&B) Rural Circle, Hyderabad LS.AB. No. 11/81-82, dated: 12.05.1981 –Accorded.

IRRIGATION&CAD (IRRIGATION WING: ARBITRATION) DEPARTMENT

G.O Rt.No. 146

Dated: 11.02.2013

Read the following

1.From the ENC (R&B), Hyd, Lr. No.21197/EE (T)/ DEE7/
AEE1 / 1994, Dt. 11.07.2012., dated. 06.08.2012. and
dated.28.09.2012 .

ORDER

The Engineer-in-Chief (Roads & Buildings) Roads, Hyderabad in his letters read above has reported that the work relating to "Construction of diversion road, due to submersion of Pebbair- Yaperla and Kollapur – Yaperla road, due to Construction of Srisailem Project – Widening and raising the formation, metalling and construction of medium and minor CD works from K.M 6/0 to K.M13/0" was let out to M/s. Uma Engineering Co., vide Superintending Engineer, (R&B) Rural Circle, Hyderabad, LS.AB. No.11/81-82, dated.12.05.1981, with a stipulation to complete the above work within (12) months from the date of handing over the site. But the above firm could not complete the work within the agreement period. Finally the work was completed on 31.03.1986 and the Department has also made the payment. After receipt of the payment, the firm has approached the court for appointment of Sole Arbitrator. The Subordinate Judge Court, Wanaparthy, has appointed Sri. G.Venkateshwar Rao, Retired District and Session Judge, as Sole Arbitrator for adjudicating the matter. The Sole Arbitrator has passed the Award for Rs.8, 53,370/- on 29.12.1993 with simple interest at the rate of 12% P.A from 24.03.1987 till the date of payment or the date of decree whichever is earlier.

2. Aggrieved with the above award, the Department has filed O.P No. 25/94 on the file of Subordinate Judge, Wanaparthy to set aside the award passed by the Sole Arbitrator. The Subordinate Judge Court, Wanaparthy, has made the award as Rule of the Court and dismissed the above said O.P and again the Department has filed CRP No. 1903/95 before the Hon'ble High Court against the Judgment of Subordinate Judge Court, Wanaparthy. The Hon'ble High Court issued interim orders for depositing half of the decretal amount. Accordingly, the Department has deposited an amount of Rs. 8,88,321/- in the Subordinate Judge Court, Wanaparthy on 31.10.1995.

P.T.O

Finally, the Hon'ble High Court in its Judgment dated 29.04.2005 has ordered that the contractor is entitled to a sum of Rs. 8,53,370/- with interest at the rate of 12% per annum from 24.03.1987 till the date of payment. The Executive Engineer (R&B), Wanaparthy has filed SLP C.C. No. 10083/2006 in the Hon'ble Supreme Court of India, and the same was dismissed on 08.01.2007 on the grounds of delay. After delivery of the Hon'ble Supreme Court orders, the Senior Civil Judge, Wanaparthy has delivered their Judgment in E.P.No.01/2007 in OP.No. 25/1994 on 14.06.2007 duly directing the Department to deposit an amount Rs. 20,52,581.00 where as the Department submitted calculation statement for Rs.8,54,354.00. Aggrieved by the above orders, the Executive Engineer (R&B) Division, Wanaparthy, has filed Civil Revision Petition No.3373 of 2007 in the Hon'ble High court of A.P., Hyderabad, for crediting the principal amount and it cannot be appropriated towards the interest. Then the Hon'ble High Court has granted interim stay orders on the condition that an amount of Rs.9.00 lakhs has to be deposited to the credit of E.P No. 01/2007 with in four weeks from 31.07.2007. Accordingly, the Department has deposited an amount of Rs.9.00 lakhs on 17.10.2007 with the Senior Civil Judge Court, Wanaparthy.

3. Finally, the Hon'ble High Court, Hyderabad, issued orders in CRP No.3373/2007 dated.18.10.2011 duly dismissing the CRP filed by the Department. Subsequently, the decree holder has filed Calculation Memo in E.P.No.1/2007 in OP.No.25/1994 on the file of the Senior Civil Judge, Wanaparthy, for recovery of decretal amount The Government Pleader for Arbitration, High Court, in his letter dated 04.07.2012 has opined that it is not a fit case to proceed further appeal and advised to satisfy the decree.

4. The Engineer-in-Chief (R&B) Roads , Hyderabad, has therefore requested to grant LOC for an amount of Rs. 16, 81,478/-to enable to deposit the decretal amount in E.P.No.1/2007 in OP.No.25/1994 in the Sub-ordinate Judge Court, Wanaparthy, to avoid further legal complications in the matter.

5. Government after careful examination of the above matter, hereby accord sanction for an amount of Rs. 16,81,478/- (Rupees Sixteen lakh Eighty One Thousand Four Hundred Seventy Eight only) towards balance decretal charges to be deposited to the credit of O.P. No.25/1994 on the file of the subordinate Judge Court, Wanaparthy, in respect of the work relating to "Construction of diversion Road, due to submersion of Pebbair – Yeperla and Kollapur - Yeperla road, due to Construction of Srisailem Project – Widening and raising the formation, metal ling and construction of medium and minor CD works from KM 6/0 to KM 13/0" entrusted to M/s Uma Engineering Company, vide the Superintending Engineer, (R&B) Rural Circle, Hyderabad LS.AB. No. 11/81-82, dated: 12.05.1981 and the same shall be met as an advance from the Contingency Fund.

6. The amount sanctioned in para (5) above shall be debitable to the detailed Head of Account Under **"4801-Capital outlay on power project -01**

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Hydel Generation –MH:101 Srisaillam Hydro Electric Scheme – SH (11) Roads Buildings -530/531 Major Works (Charged). ” and shall be met initially by way of an advance from Contingency Fund, orders regarding which will be issued by Finance (Budget. I)Department.

7. The Chief Engineer NSRSSP, Hyderabad, is therefore, directed to credit the above sanctioned amount under the disposal of Engineer-in-chief (R&B) , Roads, Hyd so as to deposit the same to the credit of OP.No. 25/1994 in the Subordinate Judge Court, Wanaparthi.

8. The Chief Engineer, NSRSSP, Hyderabad, is requested to take action for obtaining supplementary grants at appropriate time towards recoupment of the advance draws from Contingency Fund,.

9. This order issues with the concurrence of the Finance (Expr.PW) Department vide their U.O. No. 1515/29/Exp.P.W-I./13. dated.07.02.2013

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**AJOYENDRA PYAL
SPECIAL CHIEF SECRETARY TO GOVERNMENT**

To
The Engineer-in-Chief (R&B) Roads, Hyderabad.
The Chief Engineer NSRSSP, Hyderabad
The Accountant General, A.P. Hyderabad.
The Director of Works Accounts, A.P Hyderabad.
The Pay and Accounts Officer, Wanaparthi
The Superintending Engineer, (R&B) Rural Circle, Hyderabad.
The Executive Engineer, (R&B) Division, Wanaparthi

Copy to:

The P.S to Spl.. Secretary to C.M.
The P.S. to Minister (M& MI)
The P.S to Spl.C.S. to Govt., I&CAD Department.
The Finance (Expr-Pw) Department
The Law (B)Department
The I & CAD (P&B) Department.
S.F/ S.C

//FORWARDED BY ORDER//

SECTION OFFICER

